

R-26-24

**RESOLUTION DECLARING A STRUCTURE LOCATED ON THE CALIFORNIA
LODE MINING CLAIM, U.S.M.S. #1559, IN THE DUMONT AREA AND OWNED
BY FOX GULCH LLC, TO BE UNSAFE AND ORDERING THE REMOVAL OF
THE STRUCTURE BY CLEAR CREEK COUNTY**

WHEREAS, on December 17, 2024, Clear Creek County approved resolution R-24-82, adopting the 2021 International Code Series to include the Building, Residential, Plumbing, Mechanical, Energy Conservation, Fuel Gas, Existing Building, and Swimming Pool and Spa Codes for the Unincorporated Area of Clear Creek County, as therein amended; and

WHEREAS, pursuant to Section E101 of the 2021 building code adopted for Clear Creek County (hereinafter “Building Code”) unsafe buildings or structures are defined as “...buildings or structures...which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life...”; and

WHEREAS, section E102 of the Building Code declares all such unsafe buildings to be public nuisances, and shall be abated by repair, rehabilitation, or removal in accordance with the procedure specified. Section E102 further states an alternative, the building official may institute any other appropriate action to prevent, retrain, correct, or abate the violation at the expense of the owner; and

WHEREAS, on February 21, 2026, Fox Gulch LLC, was served with a Notice of Violation and Notice of Hearing (hereinafter referred to as “Notice”), pursuant to the provisions of C.R.S. § 30-28-124, C.R.S. § 30-28-124.5, C.R.S. § 30-28-209, C.R.S. § 30-28-10, and the Building Code of the alleged unsafe structure present on the California Lode Mining Claim, U.S.M.S. No. 1559, (hereinafter referred to as the “Property”) owned by Fox Gulch, LLC; and

WHEREAS, pursuant to said Notice, Fox Gulch, LLC was to immediately ensure the structure was vacated and not reoccupied, and was given 10 days to contact the County Building Department to apply for a demolition permit and complete the demolition and remove of the alleged unsafe structure from the Property; and

WHEREAS, pursuant to the provisions of Section E102.2.2, on February 18, 2026, Clear Creek County posted notice on the structure that the structure was deemed unsafe, and not be entered into or occupied by order of Clear Creek County; and

WHEREAS, 10 days has passed and Fox Gulch LLC has not made any efforts to comply with the Notice of Violation as the alleged unsafe structure is still present on the Property; and

WHEREAS, pursuant to the provisions of Section E102.2.3 of the Building Code, and due to the current elevated risk of fire danger present and recent red flag warning days

and the associated declaration of fire restrictions in the County, and the risks posed by the alleged unsafe structure, county staff is requesting that the Board of County Commissioners for Clear Creek County declare the structure present on the Property to be an unsafe structure and further to order the removal of unsafe structure, and further that the statement of costs for such removal shall be transmitted to the County Commissioners who shall cause the same to be paid and levied against the property.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Clear Creek County, Colorado, hereby finds pursuant to Sections E101 and E102 of the Building Code that the structure located on the Property is structurally unsafe, does not have adequate egress, and constitutes a fire hazard, and is otherwise dangerous to human life and is therefore declared to be an unsafe structure and a public nuisance that shall be abated; and

BE IT FURTHER RESOLVED that proper notice of the violations, the steps required for abatement, and of the hearing was served to the owner and that the required signage prohibiting entry was appropriately posted on the structure pursuant to Sections E102.2.1 and E102.2.2 of the Building Code; and

BE IT EVEN FURTHER RESOLVED that in accordance with Section E102.2.23 of the Building Code, such unsafe structure is hereby ordered to be removed, and the cost of its removal shall be completed at the expense of Fox Gulch, LLC, and costs levied against the Property and collectable in the same manner as property taxes by the Clear Creek County Treasurer.

ADOPTED this 3rd day of March 2026, at a regularly scheduled meeting of the Clear Creek County Board of County Commissioners.

Rebecca Lloyd, Chair

Jodie Hartman-Ball, Commissioner

George Marlin, Commissioner

ATTEST:

Deputy Clerk and Recorder for
Brenda L. Corbett
Clear Creek County Clerk and Recorder